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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/039,961 | 12/31/2001 | Andrew F. Glew | 42390.P13736 | 8435 |

7590 01/29/2007
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| EXAMINER |
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PYZOCHA, MICHAEL J

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| ART UNIT | PAPER NUMBER |
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2137

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 01/29/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | | |
|------------------------------|--------------------------------------|------------------------------------|--|
| Office Action Summary | Application No. 10/039,961 | Applicant(s) GLEW ET AL. | |
| | Examiner Michael Pyzocha | Art Unit 2137 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-9,12-18,22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-9,12-18,22 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 1, 2, 4-9, 12-18, 22 and 23 have been considered.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/15/2006 has been entered.

Abstract

3. The abstract submitted 11/15/2006 has been accepted.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international

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application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 2, 4-9, 12-14, 16-18, 22 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by England et al. (US 6651171).

As per claims 1 and 23, England et al. discloses a processor comprising: memory; one or more execution units to load an authenticated code module into the memory, to lock the memory (see column 6 lines 5-39 and 47-67), to authenticate an authenticated code module stored in the memory and to execute the authenticated code module stored in the memory in response to executing a launch instruction (see column 3 lines 35-43; column 3 line 65 through column 4 line 13).

As per claim 2, England et al. discloses a cache memory that provides the memory (see column 8 lines 21-25).

As per claims 4-5, England et al. discloses the execution units lock the cache memory to prevent replacement of lines of the authenticated code module stored in the cache memory (see column 7 lines 1-4 and column 11 lines 40-63).

As per claims 6 and 22, England discloses a decoder to generate one or more opcodes for the launch instruction, wherein the execution units authenticate and execute the authenticated

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code module in response to executing the one or more opcodes (see column 9 lines 5-19).

As per claims 7-9, and 12-14, England et al. discloses a key, wherein the execution units utilize the key to authenticate the authenticated code module and wherein the execution units, in response to the launch instruction retrieve a key from a chipset and use the key to authenticate the authenticated code module stored in the memory (see column 13 lines 10-62 and column 15 lines 19-52).

As per claims 16-18, England et al discloses the execution units initiate execution of the authenticated code module only if the authenticated code module is determined to be authentic (see column 9 lines 12-15 and column 7 lines 35-59).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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7. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over England et al., as applied to claim 1, in view of Abgrall (US 20030037237).

As per claim 15, England et al. fails to the use of RSA and SHA-1 for the digital signature verification.

However, Abgrall discloses that RSA and SHA-1 are commonly used in signature verification (see paragraph 346).

It would have been obvious to one of ordinary skill in the art at the time the invention to combine the ideas of Abgrall with those of England et al.

Motivation to do so would have been that RSA and SHA-1 are commonly used and known to be effective algorithms for use in such a verification process.

Response to Arguments

8. Applicant's arguments filed 11/15/2006 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ober et al. (US 6397331 B1), Albrecht et al. (US 5835594 A), Okada (US 6704872 B1), Daniels et al. (US 6934852 B2), Dayan et al. (US

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20030056070 A1), Blumenau et al. (US 6260120 B1), Liu et al. (US 7099304 B2), DeTreville (US 6609199 B1), Gulick et al. (US 6823451 B1) teach methods of locking memory for authenticated code.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJP


EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER

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